

City Council Introduction: **Monday**, April 22, 2002
Public Hearing: **Monday**, April 29, 2002, at **5:30 p.m.**

Bill No. 02R-90

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1956, PHEASANT POINTE COMMUNITY UNIT PLAN**, requested by Brian D. Carstens and Associates on behalf of Winona Ketelhut, Patricia Slaughter and Connie Heier, for 9 single family acreage dwelling units, on property generally located in the vicinity of South 148th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: County Special Permit No. 191 and City/County Preliminary Plat No. 01022, Pheasant Pointe (02R-91).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/06/02
Administrative Action: 2/06/02

RECOMMENDATION: Conditional approval (7-0: Carlson, Newman, Bills, Taylor, Duvall, Steward and Krieser voting 'yes'; Hunter and Schwinn absent).

FINDINGS OF FACT:

1. This community unit plan and the associated County Special Permit No. 191 and City/County Preliminary Plat No. 01022, Pheasant Pointe, were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that the proposal is in general conformance with the Comprehensive Plan and adopted regulations. The conditions of approval are found on p.5-7. The ***Developer Water Benefit Unit Policy and Procedure*** adopted by Rural Water District No. 1, Lancaster County, is found on p.18-20.
3. The applicant's testimony is found on p.8. The applicant agreed with all conditions of approval.
4. Other testimony in support is found on p.8 (Also See p.25).
5. There was no testimony in opposition.
6. On February 6, 2002, the Planning Commission voted 7-0 to agree with the staff recommendation of conditional approval (Carlson, Newman, Bills, Taylor, Duvall, Steward and Krieser voting 'yes'; Hunter and Schwinn absent).
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant, approved by the reviewing departments.
8. This application is in split jurisdiction and requires approval by both the City and County. The associated County Special Permit No. 191 and City/County Preliminary Plat No. 01022 were approved by the Lancaster County Board of Commissioners on April 9, 2002.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 15, 2002

REVIEWED BY: _____

DATE: April 15, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1956 CUP

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Special Permit #1956
Pheasant Pointe Community Unit Plan

Date: January 17, 2002

PROPOSAL: A Community Unit Plan to create 9 lots and 4 outlots.

WAIVER REQUEST: Waivers of subdivision requirements of stormwater detention, street trees, street lighting, landscape screens, sidewalks, cul-de-sac length and block length are requested in the plat.

LAND AREA: 150.69 acres, more or less.

CONCLUSION: This plat generally conforms with the Comprehensive Plan and adopted Regulations

<u>RECOMMENDATION:</u>	Conditional Approval of the Special Permit
-------------------------------	--

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 13 I.T., located in the SE1/4 of Section 21, T9N, R8E, in the 6th P.M., Lancaster County, Nebraska, metes and bounds description attached.

LOCATION: S. 148th Street and Yankee Hill Road.

APPLICANT: Winona Ketelhut, Patricia Slaughter and Connie Heier
c/o Winona Ketelhut
3500 Faulkner Drive, Apt. #207
Lincoln, NE 68516
(402) 421-8646

OWNER: Carrol C. Ketelhut, Deceased
Winona Ketelhut, Executrix
3500 Faulkner Drive, Apt. #207
Lincoln, NE 68516
(402) 421-8646

CONTACT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402) 434-2424

EXISTING ZONING: AG Agricultural.

EXISTING LAND USE: Agriculture.

SURROUNDING LAND USE AND ZONING:

North: Agriculture, one dwelling unit, zoned AG

South: Agriculture and one dwelling, zoned AG

East: Agriculture and one dwelling unit, zoned AG

West Agriculture and one dwelling unit, zoned AG

ASSOCIATED APPLICATIONS: County Special Permit # 191, City Special Permit # 1956 and City-County Preliminary Plat #01022 are related.

HISTORY: Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 1994 Comprehensive Plan shows this area as Agriculture. A cluster is permitted by special permit in the AG district. In relation to clustering in the Agriculture area, the Comprehensive Plan states:

“Residential uses also need to blend with productive agricultural land uses during this transitional period, which is envisioned to extend over the next 15-20 years. Options in density and lot size during this period, *including such concepts as (1) clustering* with various densities and lot sizes and (2) site-specific higher or lower density developments, should be allowed by resolution and design ordinances to respond to the diversity of varying land use needs throughout the county. (Amendment 9416)” Page 76

UTILITIES: There is no public sewer available. This is in the Lancaster County Rural Water District #1. Rural Water service is proposed.

TOPOGRAPHY: Rolling land, draining to the northeast. There is a wooded waterway/drainage through the southeast portion of this parcel.

TRAFFIC ANALYSIS: S 148th is a paved county road that connects Hwy #2 to Waverly and Hwy's #6 and #34. Yankee Hill Road is a gravel county road. Hwy #2 is about one mile south.

PUBLIC SERVICE: This is in the Bennet Rural Fire District, Bennet Palmyra School District # OR 1 and Norris Public Power District.

REGIONAL ISSUES: Expansion of the acreage areas. Clustering to preserve farm land.

ENVIRONMENTAL CONCERNS: None known. The soil rating is 4.9 on a scale of 1-10 where 1-4 is prime soil. This is not prime soil. There are drainage ways through the site. There is no FEMA floodplain shown. There is an existing ammonia and natural gas line across the parcel.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: Continued farming or up to 7 dwellings on 20 acre parcels.

ANALYSIS:

1. This request is for a Special Permit for a Community Unit Plan and a Preliminary Plat for 9 acreage residential lots and 4 outlots. A gravel private street is proposed.
2. Rural Water and individual sewage disposal are proposed. The lots are large enough for lagoons if percolation will not support a septic system. The letter from the Water District indicates this is serviceable from the existing 5" line in 148th Street.
3. This request is in general conformance with the Comprehensive Plan.
4. The applicant is requesting waivers to stormwater detention, street lighting, street trees, landscape screens, and sidewalks. These waivers are consistent with the rural nature of the subdivision and the provisions of the City/County regulations. The area is not to be annexed by the city at this time. The existing farm land and proposed acreages provide storm water detention equivalent to the Lincoln standards.
5. The applicant is requesting a waiver of the block length along the north, east and west of the plat. The waiver to the north and east is reasonable considering the nature and use of the land for farming, existing floodplain and topography. The land to the west is potentially developable in the future and should be provided with access, a road extension and a temporary turnaround. The Cul-de-sac length exceeds the 1,000 feet of the design standards, if this is a temporary turnaround for future extension, the length may be appropriate.
6. The density calculations for the project are as follows;

150.69 acres	20 acres per dwelling =	7.53 dwellings
X 1.20 for the bonus =		9.04 dwellings permitted
Requested		9 units
7. There does not appear to be any conflicting farm uses, such as feedlots, in the immediate area.
8. The County Engineers letter of January 2, 2002 notes the following;
 - 1) Dedication of 50' of right-of-way along Yankee Hill Road shall be shown.
 - 2) Farm access locations are acceptable subject to agricultural use only. Any other use will forfeit and relinquish that access location. Culvert pipes are required for both proposed drives.
 - 3) All street shall meet Lancaster County standards.
 - 4) Developer shall install two (2) street identification signs, one (1) stop sign, one (1) no outlet sign, and one (1) speed limit sign.
 - 5) The radius of the returns at South 144th Court and Yankee Hill Road shall be 50 feet.

- 6) No radius dimensions are given for the cul-de-sac right-of-way or edge of road.
- 7) The grading plan has no outlet for the road ditches at the low point at Sta. 10+74. The ditch elevation at this low point is 1,371.41.
- 8) The proposed contour on South 144th Court are incorrect.
- 9) Outlot D is not needed without a complete layout of future streets.
- 10) Typical section grading shall extend around the cul-de-sac.

9. Lot one will need a residential access point
10. The Health Department notes that two natural gas and one ammonia pipe line bisect the area. They recommend a buffer of 100 meters (300') from the pipeline to any residence for public safety.
11. The applicant is requesting a 20% bonus for farmland protection. Outlot 'A' (94 acres) is being preserved for farmland. Outlot 'C' of 7.23 acres is served by a farm access but needs to be shown for future use. Lot 1 is a 20 acre parcel and much of it could be used for farm production.
12. This application is in City and County jurisdiction and will require action by both.

CONDITIONS FOR SPECIAL PERMIT #1956:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)
 - 1.1 Make the corrections requested by the County Engineer in his letter of January 2, 2002.
 - 1) Dedication of 50' of right-of-way along Yankee Hill Road shall be shown.
 - 2) Farm access locations are acceptable subject to agricultural use only. Any other use will forfeit and relinquish that access location. Culvert pipes are required for both proposed drives.
 - 3) All street shall meet Lancaster County standards.
 - 4) Developer shall install two (2) street identification signs, one (1) stop sign, one (1) no outlet sign, and one (1) speed limit sign.
 - 5) The radius of the returns at South 144th Court and Yankee Hill Road shall be 50 feet.

- 6) No radius dimensions are given for the cul-de-sac right-of-way or edge of road.
- 7) The grading plan has no outlet for the road ditches at the low point at Sta. 10+74. The ditch elevation at this low point is 1,371.41.
- 8) The proposed contour on South 144th Court are incorrect.
- 9) Outlot D is not needed without a complete layout of future streets.
- 10) Typical section grading shall extend around the cul-de-sac.

- 1.2 Remove "Stevens Pointe Road" from the street profile sheet.
- 1.3 Show the future uses of Outlot 'C'.
- 1.4 Show the trees and note trees to be preserved or removed.
- 1.5 Show the easement, location and a 100 meter (300') buffer zone on each side if the Williams pipeline.
- 1.6 Provide or note a drainage study.
- 1.7 Show a residential access for Lot 1.
- 1.8 Show or note easements to be provided for Norris Public Power.
- 1.9 Extend South 144th Court to the west edge of the acreage lots so it can provide access to the west in the future. Add a note that at such time as development to the west occurs, south 144th will be extended.
- 1.10 Add a signature block for the City Clerk.

- 2. This approval permits 9 single family lots.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.
 - 3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the City Council.
 - 3.3 The construction plans are to comply with the approved plans.
 - 3.4 The final plat(s) is/are approved by the City/ County Board.

- 3.5 The required easements as shown on the site plan are recorded with the Register of Deeds.
- 3.6 The City Council/County Board approves associated requests:
 - 3.6.1 Pheasant Pointe Preliminary Plat #01022.
 - 3.6.2 County Special Permit # 191
 - 3.6.3 A waiver to the sidewalk, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
 - 3.6.4 A modification to the requirements of the land subdivision ordinance\resolution to permit a block length in excess of 1320' along the north and east perimeter of this subdivision and a waiver of cul-de-sac length in excess of 1,000 feet.
- 3.7 The County Engineer has approved:
 - 3.7.1 An agreement for street maintenance.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
 - 4.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems.
 - 4.3 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.6 The City Clerk/County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

Prepared by:
Michael V. DeKalb, AICP, Planner II

**COUNTY SPECIAL PERMIT NO. 191
AND CITY SPECIAL PERMIT NO. 1956,
PHEASANT POINTE COMMUNITY UNIT PLAN
and
CITY/COUNTY PRELIMINARY PLAT NO. 01022,
PHEASANT POINTE**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 6, 2002

Members present: Taylor, Carlson, Bills, Steward, Krieser, Duvall and Newman; Hunter and Schwinn absent.

Staff recommendation: Conditional approval.

Proponents

1. Jill Schuerman of Brian Carstens and Associates appeared on behalf of the applicant. Pheasant Pointe is a CUP cluster under AG zoning. There was only one issue in the staff report which pertained to the existing gas line/ammonia pipe line. Those lines have been located and will only go through Lot 1. They do not affect any of the cluster area. The applicant agrees with all conditions of approval as set forth in the staff report.

2. Betty Jeanne Holcomb-Keller appeared on behalf of Mrs. Harriet Coble of Coble Farms, New Market, Alabama. Mrs. Coble owns 149 acres of farmland in Lancaster County. According to the map, Mrs. Coble's property is at the top right hand corner adjacent to Midway Road and the intersection of Midway Road and 148th Street. Her land starts at that corner and goes north and east. Mrs. Coble is in favor of this development proposal because she understands that realistically, it is no longer financially feasible to continue to profitably farm this land.

There was no testimony in opposition.

Staff questions

Carlson inquired about Condition #1.5, which requires that the easement be shown on each side of the Williams pipeline. Mike DeKalb of Planning staff acknowledged that the applicant has provided the information as requested by the Health Department. There are probably 8 acres outside of the buildable area. On the 20 acre parcel in the lower right hand corner (southeast), there is more than enough room for the one house with the easement.

Steward asked staff to give a verbal indication of the expectation for water quantity and quality. DeKalb advised that this development proposes rural water, which is on 148th Street, so there should be no problem in meeting the water standard requirements.

Public hearing was closed.

COUNTY SPECIAL PERMIT NO. 191

PHEASANT POINTE COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 6, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Krieser and carried 7-0: Carlson, Newman, Bills, Taylor, Duvall, Steward and Krieser voting 'yes'; Hunter and Schwinn absent.

SPECIAL PERMIT NO. 1956

PHEASANT POINTE COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 6, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Krieser and carried 7-0: Carlson, Newman, Bills, Taylor, Duvall, Steward and Krieser voting 'yes'; Hunter and Schwinn absent.

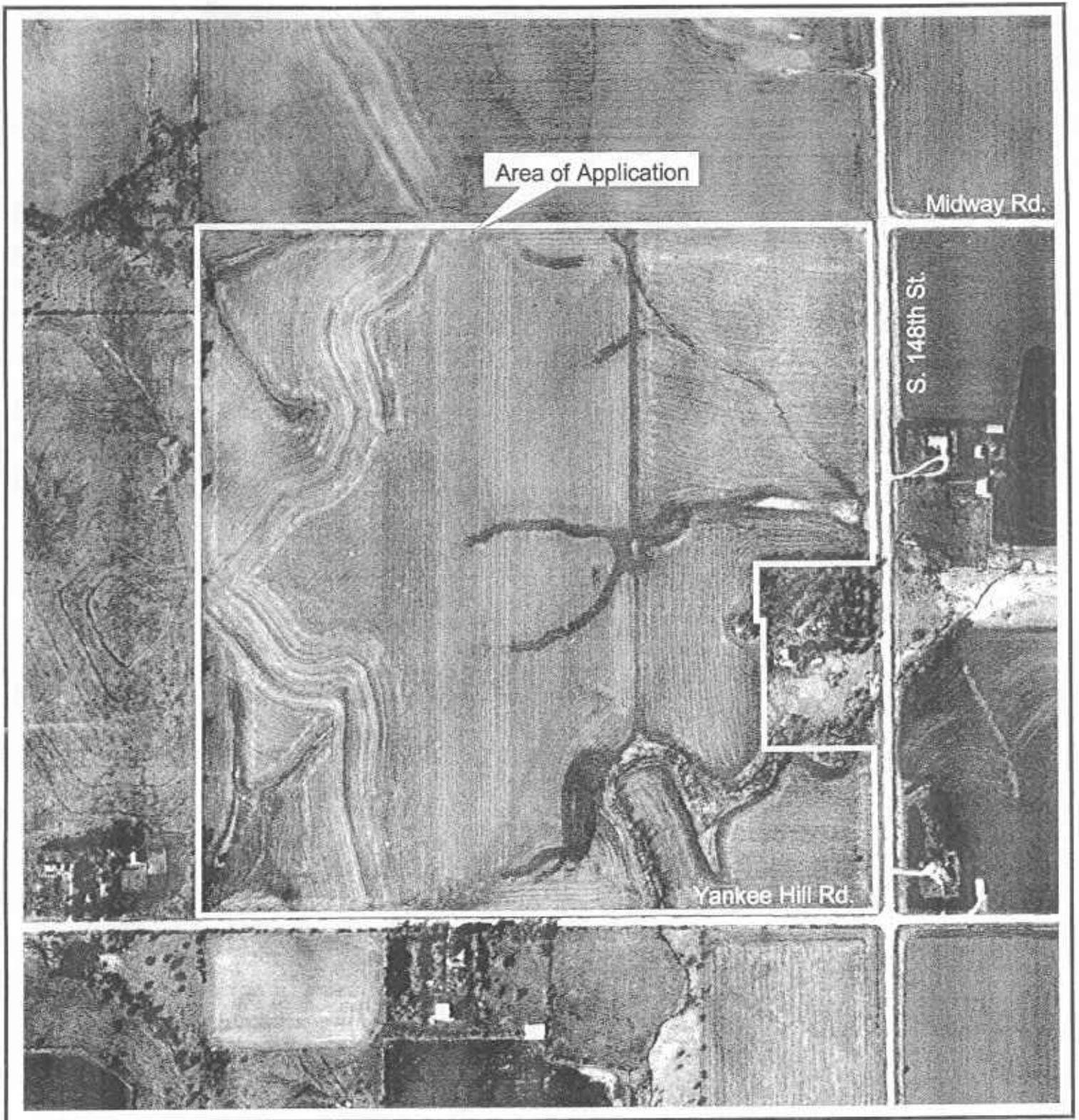
CITY/COUNTY PRELIMINARY PLAT NO. 01022

PHEASANT POINTE

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 6, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Krieser and carried 7-0: Carlson, Newman, Bills, Taylor, Duvall, Steward and Krieser voting 'yes'; Hunter and Schwinn absent.

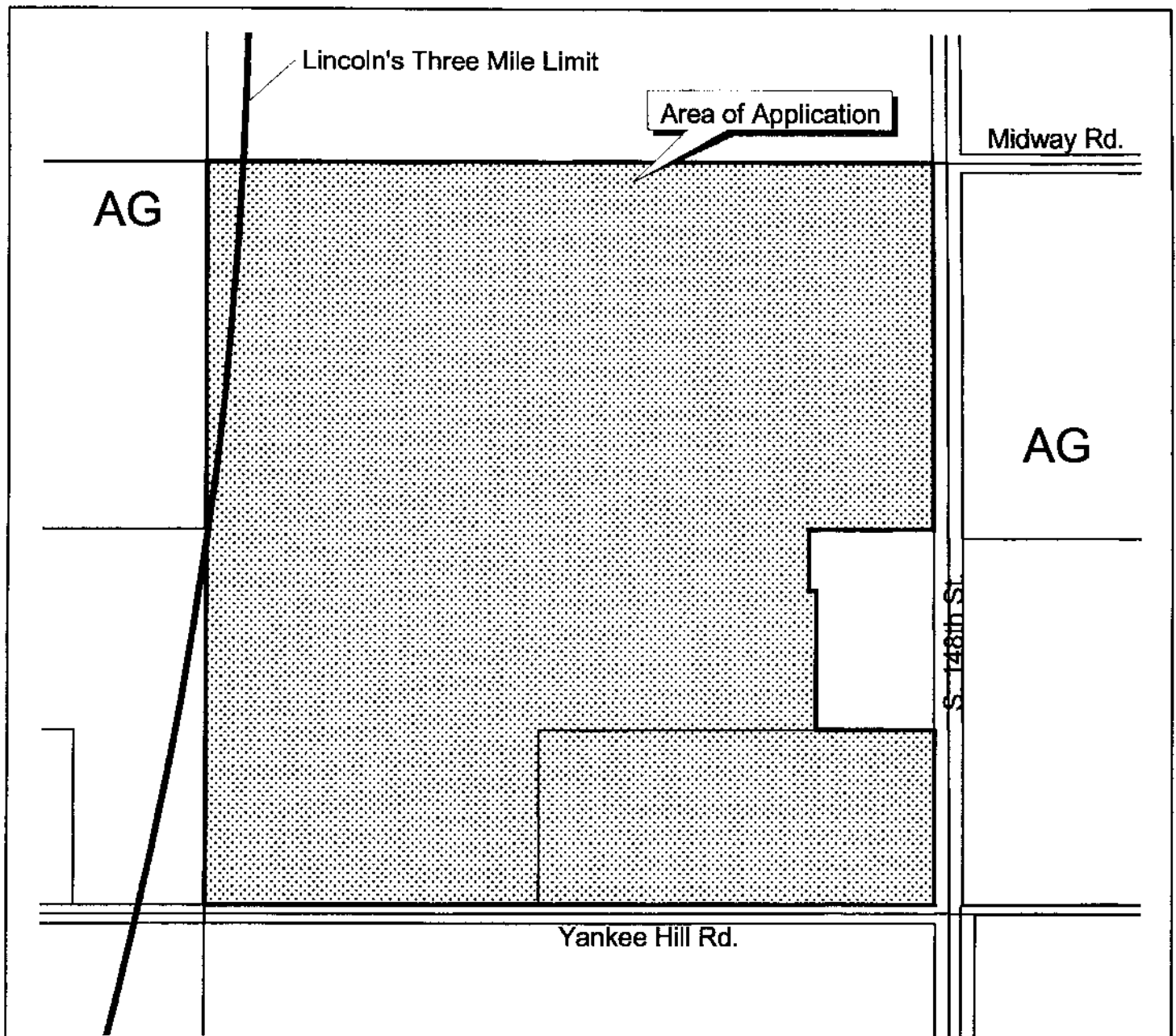


County Preliminary Plat #01022
County Special Permit #191
Special Permit #1956
Pheasant Pointe
S. 148th and Yankee Hill



Photograph Date: 1999

010

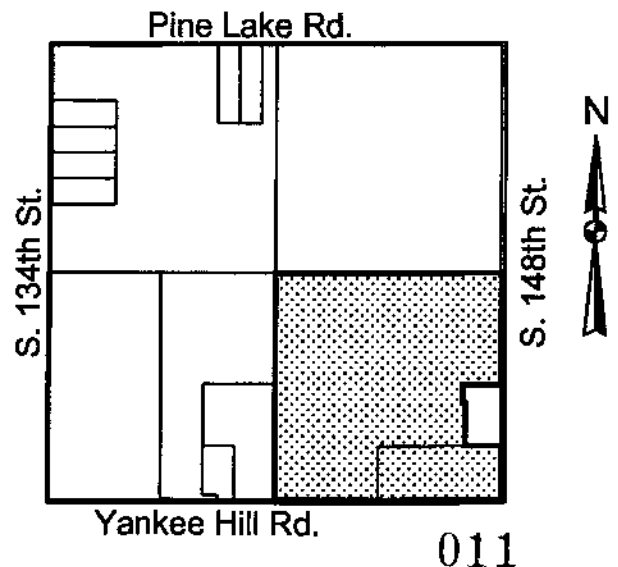
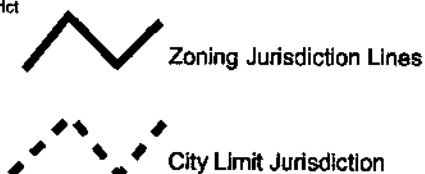


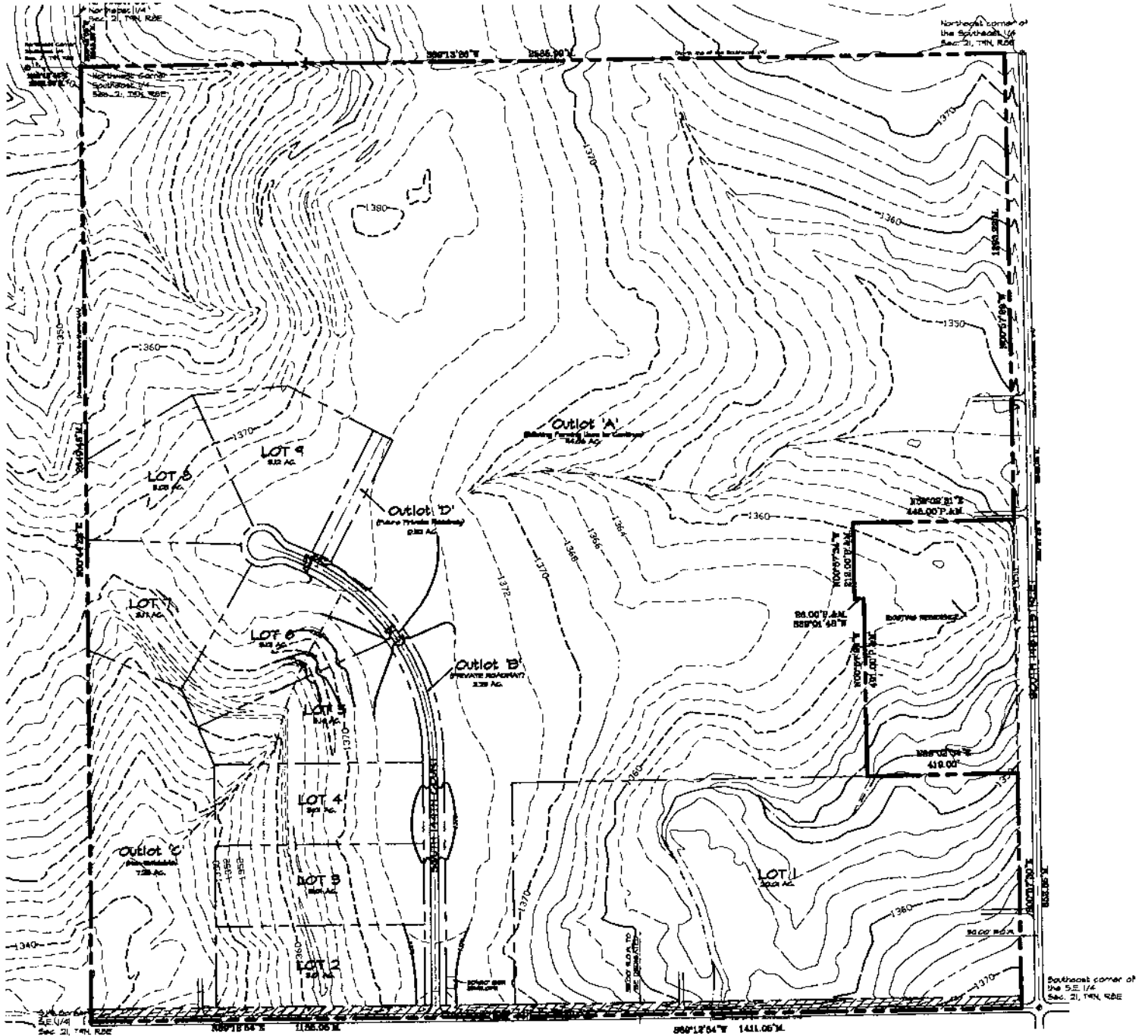
County Preliminary Plat #01022
County Special Permit #191
Special Permit #1956
Pheasant Pointe
S. 148th and Yankee Hill

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 21 T9N R8E





County Preliminary Plat #01022
County Special Permit #191
Special Permit #1956
Pheasant Pointe
S. 148th and Yankee Hill



LEGAL DESCRIPTION OF C.U.P./
PRELIMINARY PLAT:

Lot 13 of Irregular Tracts located in the Southeast Quarter of Section 21 Township 9 North Range 8 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of said Section 21 said point being also the Southwest Corner of said Lot 13. THENCE in an Easterly direction on the South line of the Southeast Quarter of said Section 21 and on an assumed bearing of North 89 degrees 12 minutes 54 seconds East for a distance of 2596.10 feet to the Southeast Corner of said Lot 13 said point being 50.00 feet West of the Southeast Corner of the Southeast Quarter of said Section 21.

THENCE North 00 degrees 57 minutes 30 seconds West on a line 50.00 feet West of and parallel to the East line of the Southeast Quarter of said Section 21 and on the Easterly line of said Lot 13 for a distance of 652.85 feet to the Southeast Corner of Lot 3 of Irregular Tracts.

THENCE South 89 degrees 02 minutes 34 seconds West on the South line of said Lot 3 for a distance of 419.00 feet to the Southwest Corner of said Lot 3.

THENCE North 00 degrees 57 minutes 29 seconds West on the West line of said Lot 3 for a distance of 491.00 feet.

THENCE South 89 degrees 01 minutes 48 seconds West for a distance of 25.99 feet.

THENCE North 00 degrees 57 minutes 34 seconds West on the West line of said Lot 3 for a distance of 212.00 feet to the Northwest Corner of said Lot 3.

THENCE North 89 degrees 02 minutes 31 seconds East on the North line of said Lot 3 for a distance of 445.00 feet to the Northeast Corner of said Lot 3 said point being also 50.00 feet West of the East line of the Southeast Quarter of said Section 21.

THENCE North 00 degrees 57 minutes 29 seconds West on the East line of said Lot 13 said line being 50.00 feet West of and parallel to the East line of the Southeast Quarter of said Section 21 for a distance of 1293.22 feet to the Northeast Corner of said Lot 13 said point being 50.00 feet West of the Northeast Corner of the Southeast Quarter of said Section 21.

THENCE South 89 degrees 13 minutes 26 seconds West on the North line of said Lot 13 said line being also the North line of the Southeast Quarter of said Section 21 for a distance of 2585.99 feet to the Northwest Corner of the Southeast Quarter of said Section 21 and the Northwest Corner of said Lot 13.

THENCE South 00 degrees 44 minutes 22 seconds East on the West line of the Southeast Quarter of said Section 21 and on the West line of said Lot 13 for a distance of 2649.46 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

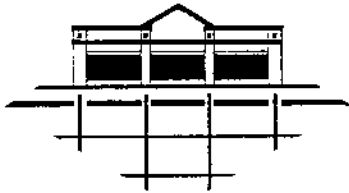
Said property contains 150.69 acres more or less.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DATE

DENNIS D. SIMONDS L.S. #343



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

December 26, 2001

Ms. Kathleen Sellman, AICP
Director of Planning
Lincoln City- Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: PHEASANT POINTE - PRELIMINARY PLAT & COMMUNITY UNIT PLAN
SOUTH 148TH STREET & YANKEE HILL ROAD

Dear Ms. Sellman,

On behalf of Winona Ketelhut, Patricia Slaughter and Connie Heier, we are submitting the above mentioned applications for your review. Pheasant Pointe is a proposed C.U.P. on approximately 150.69 acres and is currently zoned 'AG'. We are showing 9 single family acreage lots, containing a minimum of 3 acres. Each lot shall have public water from the Lancaster County Rural Water District and individual septic systems. We are awaiting a letter from the Lancaster County Rural Water district giving us the approval for service, we have meet with them and they have indicated that water service should not be a problem. Once we have the letter we will forward a copy to your office. The private roadway will be graveled to meet Lancaster County design standards.

We have 'clustered' the 9 lots close to Yankee Hill Road so the that balance of the farm can continue to be farmed. We have shown a future roadway going South off of S. 144th Court to allow for any potential future subdivision. The width of the proposed Outlot B will allow for the standard 60' right of way dedication if this area is ever further subdivided or annexed.

We are requesting waivers to the Land Subdivision Ordinance to waive sidewalks, street trees, street lighting, landscape screening and block length, as each lot is larger than 1 acre and this project will not be annexed into the City of Lincoln in the near future.

Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: Winona Ketelhut
Connie Heier
Patricia Slaughter

RECEIVED
DEC 26 2001
PLANNING DEPARTMENT
CITY OF LINCOLN

CHARLES THONE
DONALD H. ERICKSON
DANIEL D. KOUKOL
WM. E. MORROW, JR.
SAM JENSEN
DANIEL B. KINNAMON
THOMAS J. GUILFOYLE
VIRGIL K. JOHNSON
CHARLES V. SEDERSTROM
CHARLES D. HUMBLE
MICHAEL C. WASHBURN
ALAN M. WOOD
WILLIAM F. AUSTIN
JOHN C. BROWNRIGG
THOMAS J. CULHANE
RICHARD J. GILLOON
SAMUEL E. CLARK
GARY L. HOFFMAN
J. RUSSELL DERR
MARK M. SCHORR

LAW OFFICES
ERICKSON & SEDERSTROM, P.C.

A LIMITED LIABILITY ORGANIZATION

SUITE 400
301 SOUTH 13TH STREET
LINCOLN, NEBRASKA 68508-2571
TELEPHONE (402) 476-1000
FACSIMILE (402) 476-6167

WRITER'S INTERNET ADDRESS
wood@eslaw.com

JERALD L. RAUTERKUS
WILLIAM T. FOLEY
PATRICK R. GUINAN
KARL von OLDENBURG
ANDREA M. JAHN
JOHN B. MORROW
TRAVIS A. GINEST
MICHELLE B. MILLER
PAUL D. HEIMANN
KRISTINE J. GATES

OF COUNSEL

DAVID C. MUSSMAN
ROLAND J. SANTONI

OMAHA OFFICE
10330 REGENCY PARKWAY
DRIVE, SUITE 100
OMAHA, NEBRASKA 68114
(402) 397-2200

January 2, 2002

COPY

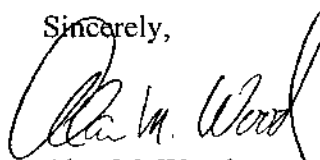
Mr. Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Road
Suite C
Lincoln, NE 68512

RE: Development/148th & Yankee Hill Road
Our File No.: 13807.032723

Dear Brian:

I enclose for your review a copy of the Developer Tap Policy adopted by Rural Water District #1. I am also enclosing a letter from Ted McIntyre the District's engineer concerning the feasibility of serving this development. At your convenience, please contact me so we can discuss details of a water service agreement in connection with this development. Best regards.

Sincerely,



Alan M. Wood

AMW:viw
C: Ken Halvorsen
Ted McIntyre

McIntyre Consulting
4131 So. 38th Street
Lincoln, NE 68506
(402) 489-4994

COPY
COPY

December 27, 2001

Mr. Ken Halverson, Manager
Rural Water District No. 1
P.O. Box 98
Bennet, NE 68317

Reference: Potential New Water User

Brial Carstens SE Quarter of 21-9-8

Dear Ken:

We have reviewed the proposed new user and it is our opinion that the addition of this service will not have a significant impact upon the existing level of service being provided the present customers.

In order to provide service at this location, we recommend a new 3" water main be constructed into the proposed subdivision from the existing 5" water main along 148th Street. This would be required if additional services are anticipated in the future.

The anticipated pressure range is:

<u>Customer</u>	<u>Line No.</u>	<u>U.S.G.S. Elev.</u>	<u>Anticipated Pressure Range</u>
Carstens	42	1380	35 – 55 psi

If you have any questions or comments, please call.

Sincerely,
McIntyre Consulting

Ted J. McIntyre, PE

COPY

**REVISED DEVELOPER WATER BENEFIT UNIT
POLICY AND PROCEDURE**

The following policy and procedure has been adopted by the Board of Directors of Rural Water District No. 1, Lancaster County, Nebraska, (the "District") relating to the issuance of water benefit units and the reservation of unissued water benefit units to individuals or entities (the "Developer") developing multi-lot residential tracts (the "Development").

1. In all instances, the costs related to construction and installation of water mains and all expenses related to bringing water service to the parcel of land to be developed by the Developer, and all related water works (hereinafter referred to as "Water Main Extension") from the existing supply line of the District to and throughout the Development shall be paid by the Developer.

2. Any Developer applying for four or more water benefit units intended to provide water service to a Development shall deposit with the District a nonrefundable application fee in a sum to be determined by the manager of the District to cover the legal, engineering and administrative costs related to evaluating the District's ability to serve the Development.

3. Upon approval by the District Board of Directors of the application for water service to the Development, the applicant shall pay in lump sum to the District the applicable application fee for the first four water benefit units and the Developer shall, in addition, reserve the remaining water benefit units described in the application by entering into a written agreement with the District promising to pay the application fee for the reserved water benefit units in five equal annual installments due on the anniversary date of the water service agreement as required herein. Any reserved water benefit unit for which issuance thereof is sought by the Developer must be paid in full prior to issuance. In all instances, the Developer shall have paid for four water benefit units in advance.

4. Any water service agreement approved by the District shall, at a minimum, require the Developer to:

(a) Pay all application fees and other charges required under the Developer Water Benefit Unit Policy and Procedure. In the event the Developer is a corporation or other business entity, all

payments required to be made shall be personally guaranteed by a principal owner of the Developer;

(b) Arrange for and pay the consideration to obtain any necessary easements in connection with installing water lines and water facilities in order to provide water service to the Development. Any easement documents obtained in connection herewith shall be subject to approval by the manager of the District;

(c) The Developer shall agree to pay or otherwise guarantee in advance all costs related to construction of the water main and water facilities and shall, in addition, agree to reimburse the District for any and all expenses it incurs to bringing water service to and into the Development;

(d) The District may, but shall not always, elect to oversize all or a portion of the water main or water facility extension and in such case, any oversizing costs shall be born by the District;

(e) All plans, specifications and design standards utilized in connection with the water system and related improvements in the Development shall be subject to approval by the professional engineer retained by the District; and

(f) Any water service agreement shall, in part, provide for forfeiture of all amounts paid and rights reserved in the event any amount due the District under the water service agreement remains unpaid for a period of thirty (30) days after written notice of any delinquency.

5. All water benefit units issued to a Developer under the provisions of this policy shall be subject to the obligations of minimum monthly charges and charges for water consumed as appears in the Bylaws and Rules and Regulations of the District as amended from time to time. Any water benefit unit reserved pursuant to this policy and procedure shall, during the time of its reservation and prior to the water benefit unit issuance, be subject to a monthly service fee of \$13.00 or such other amount as shall be determined by resolution of the Board of Directors of Rural Water District No. 1.

Adopted and approved by the Board of Directors of Rural Water District No. 1, Lancaster
County, Nebraska this ____ day of _____, 2000.

Claude F. Jensen, Chairman

(SEAL)

ATTEST:

Don Ehlers, Secretary

Lancaster

DON R. THOMAS - COUNTY ENGINEER


County

Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR



DATE: January 2, 2002
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: PHEASANT POINTE C.U.P.

JAN - 3 2002

Upon review, this office would have the following comments:

- 1) Dedication of 50' of right-of-way along Yankee Hill Road shall be shown.
- 2) Farm access locations are acceptable subject to agricultural use only. Any other use will forfeit and relinquish that access location. Culvert pipes are required for both proposed drives.
- 3) All street construction shall meet Lancaster County standards.
- 4) Developer shall install two (2) street identification signs, one (1) stop sign, one (1) no outlet sign, and one (1) speed limit sign.
- 5) The radius of the returns at South 144th Court and Yankee Hill Road shall be 50 feet.
- 6) No radius dimensions are given for the cul-de-sac right-of-way or edge of road.
- 7) The grading plan has no outlet for the road ditches at the low point at Sta. 10 + 74. The ditch elevation at this low point is 1,371.41.
- 8) The proposed contours on South 144th Court are incorrect.
- 9) Outlot D is not needed without a complete layout of future streets.
- 10) Typical section grading shall extend around the cul-de-sac.

LVW/rln
SUBDIV.WK\Pheasant Pointe CUP Memo.wpd

021

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb	DATE: 1/4/2001
DEPARTMENT: Planning	FROM: Chris Schroeder Jerry Hood
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Bruce Dart, Director EH File EH Administration	SUBJECT: Pheasant Pointe PP #01022 SP County 191

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed Pheasant Pointe subdivision with the following items noted:

- According to our Geographical Information Systems (GIS) data, two natural gas and one anhydrous ammonia pipeline(s) bisect the proposed subdivision. The LLCHD has concerns regarding the possibility of materials releases from these pipelines and the possible threat to public health from such releases. According to the 2000 Emergency Response Guidebook, in the event of a natural gas release, an evacuation zone of 50 to 100 meters is recommended. And, in the event of an anhydrous ammonia release, an evacuation zone of 100 to 200 meters is recommended. Therefore, the LLCHD recommends that a buffer zone of at least 100 meters is established between the pipelines and any proposed residences.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

- Water supply is proposed to be the Lancaster County Rural Water District. The LLCHD would need to verify a written statement from the Rural Water District that they are able to supply an adequate amount of water to these proposed lots.

It was also stated that individual wells may be used. The LLCHD does not know what the availability or quality of water is in this area. It is known that it is close to an area where groundwater is in short supply. If individual wells are proposed, the LLCHD would need to receive a water report indicating the availability and quality of water within this particular proposed subdivision.

- The soils map indicates that most likely this entire subdivision is located essentially within one species of soil, namely Wymore Silty Clay Loam. This is a soil that may pass in one location, but not in another location. Therefore, the LLCHD will require no restrictions on sewerage lagoons in this proposed subdivision.



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090

January 8, 2002

Mike Dekalb, Project Planner
555 S. 10th St #213
Lincoln, NE 68508

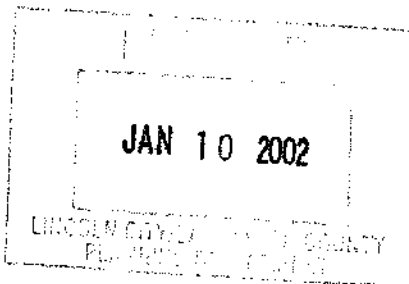
RE: Pheasant Pointe

Dear Mike,

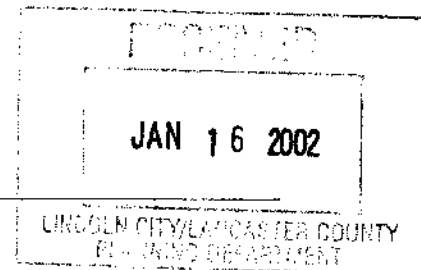
I have reviewed the subject plat and marked proposed easements in red. I've requested our standard 10' on all exterior lot lines and 10' [5' each side] of interior lot lines.

As always, thanks for your cooperation.

Sincerely,



M e m o r a n d u m



To: Mike DeKalb, Planning Department
From: Charles W. Baker, Public Works and Utilities *BWB*
Subject: Special Permit # 1956, Pheasant Pointe
Date: January 15, 2002
cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for Special Permit # 1956, Pheasant Pointe Addition located at South 144th and Yankee Hill Road. Public Works has no objections to this rural subdivision. The County Engineer's comments should apply regarding the requested waivers. There are no City utilities available to serve this addition. The Middle Beltway as approved is located at approximately 120th Street, west of this proposed addition.

TO: Lincoln City/Lancaster County
Planning Commission
Suite 213, 555 South 10th Street
Lincoln, Nebraska 68508

FR: Betty Jeanne Holcomb-Keller
Attorney at Law
Suite 724-B, Terminal Building
941 "O" Street, Lincoln, Nebraska 68508

RE: COUNTY SPECIAL PERMIT NO. 191,
SPECIAL PERMIT NO. 1956, and
CITY/COUNTY PRELIMINARY PLAT NO. 01022
S. 148TH Street & Yankee Hill Road

February 6, 2002

Members of the Commission:

I represent Mrs. Harriet Coble of Coble Farms, New Market, Alabama, a native Nebraskan and former resident of the City of Lincoln and rural Lancaster County, Nebraska.

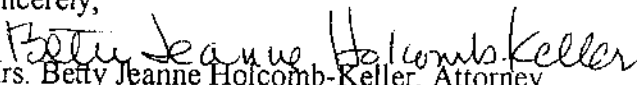
Mrs. Coble owns 149 acres of farm land in Lancaster County, Nebraska:

Lot 5 NW and Lot 6 NW except for footage taken for road,
Section No. 22-9-8, Property Document of Section 2198,
SE quarter, she is 2298. According to the map her property
is the top right hand corner adjacent to Midway Road and the
intersection of Midway Road and 148th Street. Her land starts
at that corner and goes North and East.

Why is Mrs. Coble in favor of the rezoning of this area? She believes that realistically it is no longer financially feasible to continue to profitably farm this land. She also believes this applies to the land of the applicants in addition to her land. This condition, she believes, is due to the increased taxes that have been levied on this land, steadily increasing every year.

Mrs. Coble respectfully asks your approval of these permits.

Sincerely,


Mrs. Betty Jeanne Holcomb-Keller, Attorney
Representing Mrs. Harriet Coble